

E-FILED - 12/23/09

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

Mohan Gil, et al, on behalf of others
similarly situated, and on behalf of the
general public,

Plaintiffs,

v.

Solectron Corporation, et al,

Defendants.

Case No. C 07-06414 RMW (HRL)

**[] ORDER GRANTING
PRELIMINARY APPROVAL TO THE
STIPULATION OF SETTLEMENT AND
RELEASE**

This matter comes before the Court on the Parties' Joint Motion for Preliminary Approval of the Stipulation of Settlement and Release (the "Stipulation of Settlement"). Having reviewed the proposed Stipulation of Settlement, and the parties' arguments regarding the same, the Court hereby GRANTS the parties' request for Preliminary Approval of the Stipulation of Settlement. The Court further GRANTS the parties' request for certification of the following Rule 23 Settlement Class for the sole and limited purpose of implementing the terms of the Stipulation of Settlement, subject to this Court's final approval:

All persons who were or are employed by Solectron Corporation or Flextronics International USA, Inc., whether directly or through the temporary agency Aerotek, Inc., as non-exempt employees in assembly, refurbishing, testing, technician, or repair positions in the state of California from December 19, 2003,

1 or in the state of Kentucky from December 19, 2002, through December 18, 2009,
 2 and who were required to wear Electro-Static Discharge equipment.

3 The Court appoints Plaintiffs' Counsel as Class Counsel. The Court further APPROVES the
 4 form and content of the Rule 23 Notice of Settlement and Claim Form, with the revisions
 5 discussed at the hearing on this motion, and directs Class Counsel to distribute the notice to the
 6 putative class.

7 The Court further APPROVES the form and content of the proposed Notice of Settlement
 8 to FLSA Plaintiffs, with the revisions discussed at the hearing on this motion, as well as the form
 9 and content of the proposed Settlement Offer and Release. The parties are authorized to make
 10 non-substantive changes to the Rule 23 Notice of Settlement and Claim Form, and the Notice of
 11 Settlement to FLSA Plaintiffs and the Settlement Offer and Release that are consistent with the
 12 terms of the Stipulation of Settlement and this Order.

13 The Court further ORDERS the following timeline for administration of the settlement
 14 agreement:

- 15 1. **Parties Provide Settlement Administrator With Information For Notice**
 16 **Distribution** – within fifteen (15) days of Preliminary Approval of the Settlement.
- 17 2. **Rule 23 Notice of Settlement of Class Action and Rule 23 Claim Form for**
 18 **Rule 23 Class Members (Exhibits B and C), and FLSA Notice of Settlement**
 19 **and FLSA Release to FLSA Opt-Ins (Exhibits D and E)** – sent to Settlement
 20 Class by Settlement Administrator as soon as possible after receipt of information
 21 for Notice Distribution.
- 22 3. **Rule 23 Class Members and Opt-In Plaintiffs Respond to Notice (“Notice**
 23 **Period”)** – Within sixty (60) days of mailing.
- 24 4. **Settlement Administrator Provides Rule 23 Claim Forms and FLSA Releases**
 25 **to Class Counsel and Counsel for Defendants** – Within ten (10) days of
 26 conclusion of the Notice Period.

5. **Deadline for Defendants' Disputes** – Within fifteen (15) days of Defendants' receipt of all Rule 23 Claim Forms and FLSA Releases from the Settlement Administrator.
6. **Deadline for Defendants to Declare Settlement Null and Void** – Within (15) days of Defendants' receipt in writing ~~of total number of being advised in writing~~ (rmw) ~~by the Settlement Administrator~~ of the total number of Opt-In Plaintiffs who elected to withdraw from the action or otherwise reject their Individual Settlement Offers and the total number of Rule 23 Class Members who opted-out of the Rule 23 Settlement Class
7. **Joint Motion For Final Approval Filed** – within five (5) days of the deadline for Defendants' disputes.
8. **End of Tolling Period for Rejecters** – Thirty (30) days after final approval of the settlement.
9. **Defendants Transfer Settlement Funds** – Within ten (10) business days of the Settlement Effective Date.
10. **Distribution of the Settlement Funds.** Checks to Settlement Class distributed by Settlement Administrator within 30 days of the Settlement Effective Date.
11. **Funds from Un-cashed Checks Revert to Contingency/Cy Pres Fund** – Ninety (90) days after Distribution of the Settlement Funds.
12. **Contingency/Cy Pres Funds Donated to 501(c)(3) Charity** – Thirty (30) days after the deadline for Settlement Class Members to negotiate Settlement Checks.

Counsel shall return before this Court for a final fairness hearing on June 4, 2010 at 9:00 a.m.

Dated: 12/23/09

Ronald M. Whyte

Hon. Ronald M. Whyte
United States District Court Judge